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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,806	06/19/2003	Thomas R. Herren	10001-001	6812
22252	7590	02/02/2007	EXAMINER	
PLAGER LAW OFFICES 16152 BEACG BLVD. SUITE 207 HUNTINGTON BEACH, CA 92647			A, PHI DIEU TRAN	
			ART UNIT	PAPER NUMBER
			3637	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
30 DAYS		02/02/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of Non-Compliant Amendment (37 CFR 1.121)	Application No. <i>10/600806</i>	Applicant(s)
	Examiner <i>A. Phi</i>	Art Unit <i>3637</i>
<p>-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address -- <i>1/16/07</i></p> <p>The amendment document filed on <u>1/16/07</u> is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.</p> <p>THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:</p> <p><input checked="" type="checkbox"/> 1. Amendments to the specification:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Amended paragraph(s) do not include markings. <input type="checkbox"/> B. New paragraph(s) should not be underlined. <input type="checkbox"/> C. Other _____. <p><input type="checkbox"/> 2. Abstract:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. Not presented on a separate sheet. 37 CFR 1.72. <input type="checkbox"/> B. Other _____. <p><input type="checkbox"/> 3. Amendments to the drawings:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d). <input type="checkbox"/> B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings; in compliance with 37 CFR 1.84 are required. <input type="checkbox"/> C. Other _____. <p><input checked="" type="checkbox"/> 4. Amendments to the claims:</p> <ul style="list-style-type: none"> <input type="checkbox"/> A. A complete listing of all of the claims is not present. <input checked="" type="checkbox"/> B. The listing of claims does not include the text of all pending claims (including withdrawn claims). <input checked="" type="checkbox"/> C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended). <input type="checkbox"/> D. The claims of this amendment paper have not been presented in ascending numerical order. <input type="checkbox"/> E. Other: <i>Claims 14 and 15 (canceled)</i> <p><input checked="" type="checkbox"/> 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4): <i>Signature missing</i>.</p>		

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment, an amendment filed after allowance, or a drawing submission (only). If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Christina Brown

571-2721557

Legal Instruments Examiner (LIE), if applicable

Telephone No.



Attachment

UNITED STATES PATENT AND TRADEMARK OFFICE

10/600806

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NOTICE REQUIRING EXCESS CLAIMS FEES

The excess claim(s) filed on 1-16-07 is not accompanied by the appropriate payment of excess claims fees set forth in 37 CFR 1.16(h)-(j) or 1.492(d)-(f). Excess claims fees are required for each claim in independent form in excess of three (§ 1.16(h)), each claim (whether dependent or independent) in excess of twenty (note that § 1.75(c) indicates how multiple dependent claims are considered for fee calculation purposes) (§ 1.16(i)), and each application that contains a multiple dependent claim (§ 1.16(j)).

Since the application is not under a final rejection, applicant is given a time period of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, to submit either: (1) the fee payment of \$ 250.00, or (2) an amendment in compliance with 37 CFR 1.121 that cancels the excess claim(s), in order to avoid ABANDONMENT. Extensions of this time period may be granted under 37 CFR 1.136, unless the excess claim(s) was presented in a preliminary amendment.

- 1. The funds in Deposit Account No. _____ are insufficient to cover the entire fee due. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 2. The Credit Card payment to cover the entire fee due to Account _____ (Card type + last 4 digits ONLY) was refused. The balance is due within the time period set forth in this notice. See note below regarding the appropriate service charge.
- 3. The amendment that includes the excess claim(s) has not been entered, since applicant has failed to remit (or authorize charge to a Deposit Account or Credit Card) the fee as indicated on the attached Patent Application Fee Determination Record (PTO/SB/06). Remittance or authorization is due within the time period set forth in this notice.
- 4. The fee submitted in this application is insufficient. A balance of \$ _____ is due for presentation of excess claims (37 CFR 1.16(h)-(j) or 1.492(d)-(f)).
- 5. Other. *A fee in the amount \$250.00*

Explanation (Provide specific details of the required correction in order to assist the applicant. Indicate whether a service charge has been added to the fee due):

THE AMOUNT OF THE FEE(S) DUE IS SUBJECT TO CHANGE, GENERALLY ON OCTOBER 1 OF EACH YEAR (37 CFR 1.16, 1.21 & 1.492). THE AMOUNT OF THE FEE(S) DUE IS DETERMINED AS OF THE DATE A COMPLETE REPLY WITH THE APPROPRIATE FEE(S) IS RECEIVED BY THE OFFICE (37 CFR 1.8 & 1.10). BECAUSE THE AMOUNT DUE IS SUBJECT TO CHANGE, IT IS RECOMMENDED THAT APPLICANT CHECK THE CURRENT FEE SCHEDULE WHICH IS AVAILABLE ON THE USPTO'S WEBSITE AT: <http://www.uspto.gov/web/offices/ac/qs/ope/fees.htm>

Service Charges: There is a \$50 service charge for processing each payment refused (including a check returned "unpaid") or charged back by a financial institution (37 CFR 1.21(m)). There is a \$25.00 service charge for each month when the balance of a deposit account is below \$1000 at the end of the month (37 CFR 1.21(b)(2)).

Victoria Brown
Technical Support Staff (TSS)

(571) 272 - 1557

Note to TSS: Please do NOT use this notice if the application is under a final rejection.